

REMARKS

Claims 1-35 remain pending in the present application. Claims 1, 3-8, 10, 11, 15-17, 24, 26-30 and 32-35 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 6, 24, 29-30 and 35 are rejected under 35 U.S.C. § 102(b) as being anticipated by Onoe, et al. (U.S. Pat. No. 5,361,396). Applicant respectfully traverses this rejection.

Onoe, et al. in column 4, lines 51-52 describe how the mobile station operates in the waiting state or non-active state. Onoe, et al. states "Upon receiving the broadcast information from the base station, the mobile station calculates...". Thus, Onoe, et al. does not state that the broadcast information is received in the non-active state, from this disclosure one could argue that it is received during the non-active state or one could argue that if broadcast information is received, the calculations are performed in the idle state. If we then go to column 7, lines 20-24, Onoe, et al. defines that "a base station 30 forwards a mobile station a broadcast information message which includes number of grouping, and location identifiers for each group, and a paging message to page a called mobile station". Onoe, et al. only discloses the broadcast information message as being sent with a paging message which is done during an active state not during a non-active state. There is nothing in Onoe, et al. which discloses, teaches or suggests sending information in a non-active state. Once the broadcast information has

been received in the active state, the calculation means 40b operates in the non-active state.

Claims 1, 24 and 30 have been amended to define receiving data during an idle state. There is nothing in Onoe, et al. which discloses, teaches or suggests the receipt of data during an idle stage, Onoe, et al. only discloses performing calculations during a non-active state.

Thus, Applicant believes Claims 1, 24 and 30, as amended, patentably distinguish over the art of record. Likewise, Claims 6, 29 and 35, which depend from one of these independent claims, is also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Claims 7 and 11 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tiedemann, Jr. (U.S. 2002/0142776 A1). Claim 7 has been amended to define receiving data while not in the assigned time slot to obtain location information. Tiedemann, Jr. (U.S. 2002/0142776 A1), in paragraph 27, discloses that the mobile station is permitted to perform handoffs during the idle state. Nothing in Tiedemann, Jr. discloses, teaches or suggests receiving data to obtain location information as is now defined in amended Claim 7.

Thus, Applicant believes Claim 7, as amended, patentably distinguishes over the art of record. Likewise, Claim 11, which depends from Claim 7, is also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 4, 10, 27 and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Onoe, et al. (U.S. Pat. No. 5,361,396) in view of Rick, et al. (U.S. 2003/0174760 A1). Claims 4, 10, 27 and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Onoe, et al. (U.S. Pat. No. 5,361,396) in view of Bayley (U.S. Pat. No. 6,101,173). Claims 3, 5, 26, 28, 32 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Onoe, et al. (U.S. Pat. No. 5,361,396) in view of Tiedemann, Jr. (U.S. 2002/0142776 A1). Claims 8 and 12-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tiedemann, Jr. (U.S. 2002/0142776 A1) in view of Lopes, et al. (U.S. Pat. No. 6,256,494 B1).

Claims 3-5, 8, 10, 12, 13, 26-28 and 32-34 ultimately depend from Claim 1, Claim 7, Claim 24 or Claim 30. As discussed above, Claims 1, 7, 24 and 30 have been amended and are now believed to patentably distinguish over the art of record. Thus, Claims 3-5, 8, 10, 12, 13, 26-28 and 32-34 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Claims 15-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tiedemann, Jr. (U.S. 2002/0142776 A1) in view of applicant's own admission of standards. Claim 15 has been amended to define receiving data during an idle state. As discussed above, Tiedemann, Jr. only discloses that hands off is allowed in an idle state.

Thus, Applicant believes Claim 15, as amended, patentably distinguishes over the art of record. Likewise, Claims 16 and 17, which depend from Claim 15, are also

believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tiedemann, Jr. (U.S. 2002/0142776 A1) in view of Lopes, et al. (U.S. Pat. No. 6,256,494 B1) as applied to Claim 8 above, and further in view of applicant's own admission. Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tiedemann, Jr. (U.S. 2002/0142776 A1) in view of Lopes, et al. (U.S. Pat. No. 6,256,494 B1) as applied to Claim 12 above, and further in view of Rick, et al. (U.S. 2003/0174760 A1). Claims 18-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tiedemann, Jr. (U.S. 2002/0142776 A1) in view of applicant's own admission as applied to Claim 17 above, and further in view of Lopes, et al. (U.S. Pat. No. 6,256,494 B1).

Claims 9, 14, 18 and 19 depend from Claim 7 or Claim 15. As stated above, Claim 15 has been amended and is now believed to patentably distinguish over the art of record. Thus, Claims 9, 14, 18 and 19 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

ALLOWABLE SUBJECT MATTER

Claims 2, 25 and 31 are objected to as being dependent upon a rejected base claims (1, 24 and 30), but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 20-23 are allowable.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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